

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)
)
Grant E. DUBOIS et al.) Group Art Unit: 1761
)
Application No.: 09/838,809) Examiner: Carolyn A. PADEN
)
Filed: April 20, 2001) Confirmation No.: 3526
)
For: NON CALORIC FROZEN)
CARBONATED BEVERAGE)

MAIL STOP APPEAL BRIEF—PATENTS

VIA EFS-Web

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:


REQUEST FOR ORAL HEARING

Under the provisions of 37 C.F.R. § 41.47, Appellant requests an oral hearing before the Board of Patent Appeals and Interferences for the pending appeal in the above-referenced application. Appellant considers an oral hearing necessary or desirable for a proper presentation of the appeal. This request is timely since it is made within two months from the date of the Examiner's Answer. *See* 37 C.F.R. § 41.47(b). Payment of the required fee of \$1,080.00 has been made concurrently with the filing of this Request through the Office's EFS-Web system. Please grant any extensions of time required to enter this Request and charge any required and/or additional fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 9, 2009

By: 

Alexis N. Simpson
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